

**REMARKS**

**I. Status of Claims**

Claims 29-31 are all the claims pending in the application. Claims 29-31 are amended.

**II. Claim Rejections – 35 U.S.C. § 103**

Claims 29-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson (US 7,072,846) in view of Morohashi (US 7,130,251).

***Claim 29***

The Applicants amend claim 29 to clarify that when the portable terminal is connected to the server apparatus, “the updated number of plays of each of said pieces of music stored in the terminal-side storage section without the data of pieces of music are sent to the server apparatus.” In this manner, the server is able to keep track of the way that the user utilizes information in the portable terminal. Neither Robinson nor Morohashi teach or disclose sending the updated number of plays of each of said pieces of music *without the data pieces of music*. Morohashi merely discloses the use of a portable terminal that exchanges “data” with a server (*Morohashi*, col. 6, lines 34-53), and Robinson merely discloses “passive data collection” on a user side (*Robinson*, col. 10, lines 20-24). Neither reference provides any indication that the data collection involves the number of plays of each of said pieces of music. Furthermore, neither Robinson nor Morohashi disclose sending the updated number of plays of each of said pieces of music *without the data pieces of music*, as recited in claim 29.

There is similarly no discussion in either Robinson or Morohashi that would provide any teaching, suggestion or motivation for sending the updated number of plays of each of said

pieces of music stored in the terminal-side storage section without the data pieces of music to the server. Neither Robinson nor Morohashi provide any teaching that would indicate a benefit of keeping track of information such as the number of plays of each of said pieces of music or any other mode in which the user utilizes information in the terminal. There is simply no reason to combine Robinson and Morohashi that would lead one of skill in the art to the features recited in claim 29. For at least these reasons, the Applicants submit that claim 29 is allowable over the combination of Robinson and Morohashi.

***Claims 30-31***

Claims 30 and 31 are amended similarly to claim 29. Inasmuch as claims 30 and 31 recite the similar feature of sending an updated number of plays of each of said pieces of music stored in the terminal-side storage section *without the data of pieces of music* to the server, the Applicants submit that claims 30 and 31 are allowable for at least the same reasons stated above.

**III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. Application No.: 10/017,394

Attorney Docket No.: Q67780

Respectfully submitted,

/Scott H. Davison/

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